THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11679 of 1998

ORAL ORDER:

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This writ petition is filed seeking a Certiorari to call for the records relating to award in I.D.No.214 of 1993 dated 1.4.1997 on the file of the first respondent-Labour Court and to quash the same as arbitrary and illegal.

Petitioners are management and second respondent is workman. It appears, second respondent filed a claim petition under Section 2-A(2) of the Industrial Disputes Act, 1947 stating that he has worked for more than 240 days in the petitioner organization, but his services were terminated orally with effect from 1.1.1980 without conducting any enquiry or without putting him on any notice or notice of pay as required under Section 25F of the I.D. Act.

The management filed counter in the said I.D. denying the allegations made by the respondent-workman and stated that the respondent workman never worked for 240 days continuously. He was engaged only when the work was available, as such, the question of termination or retrenchment does not arise and the petitioner is not entitled for any relief.

Before the Labour Court, the workman himself was examined as W.W.1 besides W.Ws.2 and 3 and documents Exs.W1 to W7 were marked on behalf of workman, whereas none were examined and no documents were marked on behalf of management. On the basis of the evidence on record, the Labour Court came to the conclusion that the management failed to produce any evidence to deny the contention of the workman that he worked for more than 240 days before termination of his service, therefore, directed for reinstatement of the workman with continuity of service, but without any other benefits like, back wages etc. Aggrieved by the same, the present writ petition is filed.

Admittedly, no evidence, either oral or documentary has been adduced by the petitioner/management before the Labour Court. After evaluating the evidence adduced and on the strength of the documents

marked on behalf of the workman, the Labour Court came to the conclusion that the workman had worked continuously for more than 240 days. In the absence of any evidence produced by the petitioner/management, such as, muster rolls, acquittance etc., the Labour Court has rightly drawn adverse inference against the petitioner/management that it had violated the provisions of Section 25-F the I.D. Act and rightly passed the award directing reinstatement of the workman into service as a fresh candidate. No ground is made out calling interference of this Court under Article 226 of the Constitution of India against the award passed by the Labour Court. The writ petition is devoid of merits and liable to be dismissed.

The writ petition is accordingly dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 11.4.2007

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11.4.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11679 of 1998

Date: 11th April, 2007

Between:

The Chairman, A.P.S.E.B.,
Vidyut Soudha, Somajiguda,
Hyderabad & others.

.. Petitioners

And

The Labour Court-II,
A.P., Hyderabad & another.

.. Respondents